

VIKRANT

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 168 OF 2016
IN
TESTAMENTARY SUIT NO. 85 OF 2000
IN
TESTAMENTARY PETITION NO. 1194 OF 1998**

Swati Surana *Née* Swati Manish Lala ...Applicant
In the matter of

Shaheeda Parvin ...Plaintiff
Versus

Kanchan Manish Lala and Another ...Defendants

Mr. Vivek Sharma, *for the Applicant/Defendant.*
Mr. S.D. Mulye, *for the Plaintiff.*

CORAM: G.S. PATEL, J
DATED: 27th September 2016

PC:-

1. Heard.
2. The Caveat filed by the Defendant (the sole remaining Defendant) was dismissed on 23rd April 2015. As I noted on 14th September 2016, this was on a completely incorrect premise. Grave injustice would be caused to the Caveator if her Caveat is not

restored to file. The fact of the matter is that the Caveat was only dismissed for non-appearance of the Caveator and her Advocate. It is pointed out that the Plaintiff has yet to comply with the directions as to filing of Evidence Affidavits and Compilation of Documents that were ordered by Mr. Justice D.G.Karnik on 2nd December 2011.

3. The Caveat is restored to file. The Plaintiff shall have a final opportunity till 14th October 2016 to comply with the directions issued on 2nd December 2011, i.e., to file the Evidence Affidavits of the attesting witness/es, the Evidence Affidavit of the Plaintiff, the Affidavit of Documents and a Compilation of Documents, properly indexed and paginated.

4. Given this history, there will be no extension to this deadline under any circumstances, and, in default, the Plaintiff will be deemed to have closed his case and the Suit may be dismissed for non-prosecution.

5. Upon compliance, list the matter on 26th October 2016 for marking Plaintiff's documents.

(G. S. PATEL, J.)